

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THEODORE ISAACS and NORMA
ISAACS,

No. C 12-00951 WHA

Plaintiffs,

v.

**ORDER TO SHOW CAUSE
AND VACATING HEARING**

COUNTRYWIDE BANK N.A. (Original
Mortgage Lender), COUNTRYWIDE
HOME LOANS SERVICING (Mortgage
Servicer), THE BANK OF NEW YORK,
RECON TRUST COMPANY (Mortgage
Trustee), COUNTRYWIDE HOME
LOANS SERVICING
(Nominee/Beneficiary), and NORTH
AMERICAN TITLE COMPANY (Title
Company),

Defendants.

On June 11, 2012, defendants Countrywide Bank, N.A., Countrywide Home Loans Servicing LP, (erroneously sued as “Countrywide Home Loans Servicing” and “Country Wide Home Loans Servicing”), The Bank of New York Mellon (erroneously sued as “The Bank of New York”), and ReconTrust Company, N.A. (erroneously sued as “Recon Trust Company”), filed a motion to dismiss plaintiffs’ amended complaint. Plaintiffs failed to file an opposition or statement of non-opposition by the June 25 deadline and were ordered to show cause why the action should not be dismissed for failure to prosecute (Dkt. No. 48). Plaintiffs filed a timely response thereto. As stated in the July 23 order, good cause was found where plaintiffs stated they did not file an opposition to the motion to dismiss because they were confused regarding

1 whether and when an opposition would be required following the first amended case
2 management scheduling order. Following a case management conference on August 9, a new
3 briefing schedule and hearing date were set. Plaintiffs' new deadline to file an opposition to
4 defendants' motion to dismiss was August 23, 2012. No opposition has been received. Plaintiffs
5 are hereby **ORDERED TO SHOW CAUSE** why the action should not be dismissed for failure to
6 prosecute. Plaintiffs must file a written response to this order by **SEPTEMBER 10, 2012**. If no
7 response is filed, defendants' motion to dismiss may be granted. The hearing set for September
8 6, 2012, is hereby **VACATED**.

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10 **IT IS SO ORDERED.**

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12 Dated: September 4, 2012.



13 WILLIAM ALSUP
14 UNITED STATES DISTRICT JUDGE
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